

with an Adequate Margin of Safety (March 1974).

Subpart H—Historic Preservation

GENERAL

§ 650.181 Purpose.

This chapter sets forth guidance and procedures to be used by the Department of the Army in the implementation of Executive Order 11593, "Protection and Enhancement of the Cultural Environment" (36 FR 8921, 16 U.S.C. 470), in accordance with:

(a) The Antiquities Act of 1906 (34 Stat. 225, 16 U.S.C. 431 *et seq.*),

(b) The Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461 *et seq.*),

(c) The National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470 *et seq.*),

(d) The National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321 *et seq.*),

(e) The Archeological and Historic Preservation Act of 1974 (88 Stat. 174, 16 U.S.C. 469 *et seq.*).

§ 650.182 Goal and objectives.

The Department of the Army goal is to protect through preservation, restoration, or rehabilitation all sites, structures and objects of historical, architectural, archeological, or cultural significance located on Army-controlled property. Objectives in attaining this goal are to identify, report and take those actions necessary to protect and preserve those Army-controlled properties (Historic Properties).

§ 650.183 References.

Related publications which should be used in conjunction with this regulation are contained in table 8-1.

§ 650.184 Policy.

The National Historic Preservation Act of 1966 (Pub. L. 89-665) establishes a national policy for historic preservation stating "that the historical and cultural foundations of the nation should be preserved as a living part of our community life and developed in order to give a sense of orientation to the American people." Therefore, it is the policy of the Department of the Army to—

(a) Locate, inventory, evaluate, and nominate to the Secretary of the Interior all properties under Army jurisdiction or control that appear to qualify for inclusion in the National Register of Historic Places (National Register).

(b) Administer and maintain historic properties which are under Army control or jurisdiction in a spirit of stewardship and trusteeship for future generations.

(c) Assess all Army-controlled activities to minimize, eliminate, or mitigate any adverse impact on historic properties.

(d) Initiate, plan and budget for support of programs necessary to preserve, restore, or rehabilitate historic properties.

(e) Coordinate, when applicable, plans, programs, procedures, and activities with the Advisory Council on Historic Preservation, the Secretary of Interior, State Historic Preservation Officers, The National Trust For Historic Preservation, the Smithsonian Institution, and other Federal, State, or local historic organizations.

(f) Encourage and assist the Secretary of the Interior, non-Federal public agencies, local historical societies or similarly oriented organizations to administer and maintain historic properties where such activity does not adversely impact on the performance of the Army mission.

§ 650.185 Definitions.

Definitions as used in these procedures are contained in § 800.3, 36 CFR part 800 (appendix).

§ 650.186 Responsibilities.

(a) The Chief of Engineers will exercise primary Army staff responsibility for directing and coordinating a Preservation Program for Army-controlled historic properties. The Chief of Engineers will—

(1) Promulgate policy and regulations on protection and enhancement of the cultural and historic environment which reflect Department of Defense guidance and policy.

(2) Establish and monitor the program to preserve, restore, or rehabilitate all Army-controlled properties of historical, architectural, archeological, or cultural significance.

(3) Monitor surveys to identify all Army-controlled properties of historical, architectural, archeological or cultural significance.

(4) Provide guidance and direction to Army installations on the preparation of nominations to the National Register and reports submitted under section 106 of Pub. L. 89-665 and Executive Order 11593, as implemented in 36 CFR part 800 (appendix).

(5) Maintain, as part of the Inventory of Real Property, a record of all Army-controlled properties listed in the National Register. This record will include a copy of the nomination forms with all attachments for each listing and a record of all reports and memoranda of agreement as required under 36 CFR part 800 (appendix).

(6) Review and evaluate construction programs and master plans to minimize or eliminate adverse impacts on Army-controlled properties of historical, architectural, archeological, or cultural significance.

(7) Ensure that all actions undertaken with this guidance have been coordinated, where applicable, with local historical societies; State Historic Preservation Officers (SHPO); the Secretary of the Interior; the Advisory Council on Historic Preservation; the Smithsonian Institution; and the National Trust for Historic Preservation (appendix).

(8) Issue guidance and provide technical assistance on the development and execution of historic preservation projects.

(9) Process permits to authorize archeological investigations (AR 405-80).

(b) The Chief of Military History will—

(1) Publish a comprehensive listing of Army-controlled properties listed in the National Register to include the historic significance, photographs and other factors as deemed appropriate. This publication will be updated with a supplement published every 3 years thereafter.

(2) Provide professional support as requested.

(c) Major Army commands (MA COMs). Major Army commanders will develop programs, in accordance with TM 5-801-1, Historic Preservation,

which will encompass, at a minimum, the following:

(1) The conduct of initial, and triennial surveys thereafter, of installations under their control or jurisdiction to identify all properties of historical, architectural, archeological, or cultural significance.

(2) The programing and budgeting of funds for the maintenance through preservation, restoration, or rehabilitation of structures, sites and objects of historical, architectural, archeological or cultural significance.

(3) The retention and use of historic properties which are a functional part of Army installations or are so located that their disposal is impractical.

(4) The nomination to the National Register of all Army-controlled properties which appear to meet the minimum criteria established by the Secretary of the Interior (appendix).

(5) The coordination of proposed actions having an effect on a registered and/or nominated historic property with the SHPO and the Advisory Council on Historic Preservation as required by 36 CFR part 800. (§650.190 and appendix).

(6) The inclusion, where applicable, of evidence of compliance with 36 CFR part 800 in each environmental assessment or environmental impact statement (§650.190).

(7) The maintaining of a record of each property under their control or jurisdiction which is listed in the National Register including a copy of the nomination forms with all attachments and a record of all reports and Memoranda of Agreement as required under 36 CFR part 800.

(8) The protection of archeological sites by insuring that all investigations, excavations and salvage activities are undertaken with the written concurrence of the Secretary of the Interior and the Smithsonian Institution in accordance with AR 405-80.

STANDARDS AND PROCEDURES

§650.187 Standards.

The preservation, restoration, rehabilitation and maintenance of historic properties under Army control or jurisdiction will be accomplished in accordance with the standards and procedures